



CITY OF HOUSTON

Sylvester Turner

Mayor

P.O. Box 1562
Houston, Texas 77251-1562

Telephone – Dial 311
www.houstontx.gov

May 27, 2021

TxDOT Houston District
Attn: Advanced Project Development Director
PO Box 1386
Houston, TX 77251-1386

Dear Ms. Theiss:

The following comments from the City of Houston are in response to the May 13, 2021 virtual public meeting for TxDOT proposed project SH 35/Spur 5 from I-45 to I-610. The TxDOT website references the following project numbers: CSJ 0178-09-018/019/020 and 0271-16-111.

The construction limits for the proposed project are from I-45 to Dixie Drive. This is a revision from original plans that showed the segment terminating at Bellfort. The City of Houston does not concur that Dixie Drive is a logical terminus for a state highway. Purely from a right-of-way perspective, not considering other impacts that will be addressed later in these comments, Dixie Drive is not an appropriate terminus.

- The 2021 Houston Major Thoroughfare and Freeway Plan (MTFP) shows Dixie Drive as a major collector with sufficient width at 70 feet.
- The 2021 Houston MTFP shows Bellfort, the original terminus proposed, as a major thoroughfare with sufficient width at 100 feet.
- The 2021 MTFP shows Mykawa as a major thoroughfare to be widened. The section of Mykawa from Dixie Drive south to Wayside Drive is only 80 feet.
- Neither Dixie Drive nor Mykawa from Dixie Drive to Wayside Drive, has capacity to handle projected SH 35 traffic. Further, the MTFP clearly indicates that the City has not made any plans to increase the capacity of Dixie Drive.

The presentation released on May 13, 2021 provided additional details about the proposed project. The presentation referenced the original Final Environmental Impact Statement (FEIS) for the I-45 to Bellfort project was completed in July 1992. TxDOT then initiated right-of-way acquisition. *"As of April 29, 2008, the majority of the right of way from I-45 to Dixie Drive was approved for acquisition in order to construct the proposed roadway and had been acquired. Environmental and socioeconomic effects to these parcels were evaluated within the Final EIS."* The presentation was clear that, *"The proposed project and its potential environmental impacts will be evaluated under NEPA as a Categorical Exclusion also known as CE. A CE is an action that has been determined by a federal agency to not individually or cumulatively have a significant effect on the human environment."*

Council Members: Amy Peck Tarsha Jackson Abbie Kamin Carolyn Evans-Shabazz Dave Martin Tiffany D. Thomas Greg Travis Karla Cisneros
Robert Gallegos Edward Pollard Martha Castex-Tatum Mike Knox David W. Robinson Michael Kubosh Letitia Plummer Sallie Alcorn
Controller: Chris Brown

- Given the planning issues referenced above, this is a different project with different impacts to residents, businesses, and the traveling public that were not considered in the 1992 FEIS.
- Impacts associated with the terminus that matches TxDOT right-of-way will have significant impacts on city roadways, businesses along Mykawa, and resident access.
- The most notable impact of concern is safety in the narrow city right-of-way along an industrial corridor surrounded by dense residential development.

Consequently, the proposed action would not appear to qualify under FHWA rules governing categorical exclusions and TxDOT should initiate a full re-evaluation of the Environmental Impact Statement for this proposed project. At a minimum, TxDOT must conduct additional analyses to evaluate and disclose anticipated impacts from the revised project on land use, travel patterns and drainage, both individually and cumulatively prior to seeking to clear the project using a categorical exclusion document.

Related to the issue of project impacts, the State Highway 35 Major Corridor Feasibility Study Final Report , completed on May 31, 2007, states on page 9-2 that, *“after the public meetings in 2005, it was clear that the area between Dixie Dr. and Sims Bayou had to be reevaluated.”* Page 9-5 of the report elaborates on the community issues:

“The Study Area of concern has three major components...the first of which is the impact to residential homes. The original Mykawa alignment impacted the Overbrook Subdivision, which is nestled between Bellfort Ave. and Sims Bayou. The second major impact is commercial/utility impacts. Many commercial companies reside on the west side of Mykawa Rd directly north of Bellfort Ave. Lastly, the impacts to Law Park, which sits on the west side of Mykawa Rd. between Bellfort and Sims Bayou, were a major impact identified during the fatal flaw screening. A police station also sits inside of Law Park.”

Given the impacts noted in the 2007 feasibility report, it cannot be assumed that the southern section will be constructed and termination at Dixie Drive will be solely an interim phase. The challenges identified between Dixie Drive and Sims Bayou have intensified.

- Neighborhoods and commercial properties remain vibrant.
- Impacts to Law Park must consider not only that it is one of few parks in a historically underserved area, but also that its green space is critical to mitigating the extreme flooding experienced in the area.
- Existing channels are under-sized and additional impervious cover will exacerbate flooding.
- Both the City of Houston and the Harris County Flood Control District have applications pending with the Texas General Land Office for CDBG-Mitigation funds to address the extensive flooding in this low-to-moderate income area.

The 2007 Feasibility Study concludes there will be environmental impacts south of Dixie Drive. City of Houston staff acknowledge that the I-45 to I-610 project does not include ROW south of Dixie Drive. However, traffic impacts documented in the original FEIS must have analyzed impacts with access/egress at Bellfort. Traffic impacts to Dixie Drive and Mykawa north of Wayside that have only 70-80 feet of right-of-way will be significantly different for area residents and industry, much less the traveling public. These impacts associated with the proposed I-45 to I-610 project will likely extend south of Dixie Drive into this “study area of concern”. They are inextricably linked and should be addressed together to avoid issues of segmentation.

Finally, since completion of both the 1992 FEIS and the 2007 Major Corridor Feasibility Study, equity has become a national priority in transportation planning. Earlier this month, the Senate Environment and Public Works Committee held a hearing entitled, *Equity in Transportation Infrastructure: Connecting Communities, Removing Barriers, and*

Repairing Networks Across America. Elevated structures are barriers. The proposed SH 35 project(s) are creating more barriers.

The hearing highlighted statistics about disproportionate safety impacts in minority areas that are included in the 2021 National Complete Street Coalition Dangerous by Design report.

- Across the US, Black/African America and American Indian/Alaskan Native persons die while walking at higher rates compared to other racial and ethnic groups.
- Although the income of the people struck is unknown, crashes that lead to deaths and serious injuries are most likely to occur in low-income communities.
- **Safety for all modes in the project area(s) must be seriously evaluated during the environmental process for the proposed project(s).**

In a March 1, 2019 Houston Chronicle article, TxDOT was quoted as stating that “Bellfort to Alvin is just now beginning a new federal (environmental) process.” During the May 2021 H-GAC Transportation Advisory Committee (TAC) meeting, TxDOT staff indicated that the agency is “basically starting over” on SH 35. Given TxDOT intent to start over on SH 35, the linkages between the two adjacent projects in the same corridor and the circumstances listed herein, **the City of Houston respectfully requests a full environmental re-evaluation for the SH 35/Spur 5 from I-45 to I-610 project.** Much has changed since the early 1990’s when this corridor was originally evaluated. A new evaluation should include alternatives not currently shown in agency schematics.

Respectfully,

DocuSigned by:

Veronica O. Davis

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Veronica O. Davis, PE

Director, Transportation & Drainage Operations

DocuSigned by:

David Fields

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David Fields, AICP

Chief Transportation Planner